

1  
2  
3  
4  
5  
6  
7 JOSEPH DURAN, et al.,  
8 Plaintiffs,  
9 v.  
10 THE HERSHEY COMPANY,  
11 Defendant.

Case No. 14-cv-01184-RS

12  
13  
14  
15  
16  
17  
18  
19  
**ORDER APPROVING SETTLEMENT  
AGREEMENT AND DISMISSING  
CLAIMS WITH PREJUDICE**

20 This Fair Labor Standards Act (“FLSA”) retaliation case has settled, and the parties seek  
21 judicial approval of their agreement. *See Lynn’s Food Stores Inc. v. Dep’t of Labor*, 679 F.2d  
22 1350, 1352-53 (11th Cir. 1982). The “proper procedure for obtaining court approval of the  
23 settlement of FLSA claims is for the parties to present to the court a proposed settlement, upon  
24 which the district court may enter a stipulated judgment only after scrutinizing the settlement for  
fairness.” *Lee v. The Timberland Co.*, C 07-2367-JF, 2008 WL 2492295, at \*2 (N.D. Cal. June 19,  
2008). Approval is warranted if “the settlement is a fair and reasonable resolution of a bona fide  
dispute.” *Id.*

25 The settlement agreement in this case is fair and reasonable. As far as can be determined  
26 from the available materials, this matter involves a genuine and fact-intensive dispute. By settling,  
each side has chosen to avoid the risk and expense of trial. Moreover, the four remaining  
plaintiffs will each receive a substantial payment, relative to their claimed damages, in exchange  
for releasing their claims. Accordingly, **IT IS HEREBY ORDERED THAT:**

27 1. Approval of the settlement agreement, including the releases contained therein, the  
payments to plaintiffs and plaintiffs’ counsel’s attorney fees and costs, is **GRANTED**.  
28 2. All parties are bound by the terms of the settlement agreement.  
3. This action, *Duran, et al. v. The Hershey Company*, No. 3:14-cv-01184-RS, is

1 hereby **DISMISSED WITH PREJUDICE** and on the merits. The court reserves and retains  
2 exclusive and continuing jurisdiction over the above-captioned matter, the settlement agreement,  
3 and the parties for the purposes of supervising the implementation, effectuation, enforcement,  
4 construction, administration and interpretation of the settlement agreement.

5 **IT IS SO ORDERED.**

6  
7 Dated: August 18, 2015  
8



9 RICHARD SEEBORG  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California

ORDER GRANTING APPROVAL OF SETTLEMENT; DISMISSING ACTION  
CASE No. [14-cv-01184-RS](#)